

REMARKS

The Office Action and the cited and applied references have been carefully reviewed. No claim is allowed. Claims 1-35 presently appear in this application, with claims 1-12 and 35 being withdrawn, and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

Applicants affirm the election of Invention II, claims 13-34, for prosecution on the merits. Non-elected claims 1 and 35 are amended to require all the limitations of elected claims 13 and 25. Accordingly, if product claim 13 or 25 are subsequently found allowable, then non-elected process claims 1 and 35 should be rejoined.

The disclosure has been objected to because of informalities in the reference characters on page 14 of the specification. This objection is obviated by the appropriate corrections to the specification.

Reconsideration and withdrawal of the objection are therefore respectfully requested.

Claims 13-18, 22-29 and 32-34 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Wilding et al. (US 5,635,358). This rejection is respectfully traversed.

Claims 13 and 25 are amended to recite "a first blood resistance part temporally holding the blood in the reagent

storage chambers during a time in which the blood can be agglutinated with a reagent, wherein the micro-filters have plural filter poles, and the plural filter poles are arranged so as not to pass an agglutinated blood mixture", as supported in the specification at page 6, line 18 to page 14; page 10, line 21 to page 11, line 7; and page 10, lines 17-19.

Wilding does not disclose the first blood resistance part as now recited in claims 13 and 25. While the examiner has asserted that the first blood resistance part corresponds to Wilding's membrane piercing protrusions 24 in chamber 22B, it is respectfully pointed out to the examiner that Wilding's membrane protrusions 24 tear open the cells (thereby releasing intracellular material from the cells) and does not temporally hold the cells in chambers like a first blood resistance part as recited in the present claims.

Furthermore, Wilding does not disclose or teach that the plural filter poles of the micro-filters are arranged so as not to pass an agglutinated blood mixture. Accordingly, there is nothing in Wilding that would lead one of ordinary skill in the art to arrive at the presently claimed apparatus.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 19-21, 30 and 31 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Wilding in view of

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McNeely et al. (US 6,296,020). This rejection is respectfully traversed.

The deficiencies of Wilding are discussed above. The secondary McNeely reference is being applied for teaching a stopping means in the micro channels (Figs. 2E-J), but the stopping means merely regulates the flow of fluid through the channels and does not hold the flow of fluid in some chamber. Accordingly, McNeely does not satisfy the deficiencies of Wilding, as discussed above in the preceding obviousness rejection, and therefore cannot lead one of ordinary skill in the art to the presently claimed apparatus.

Reconsideration and withdrawal are therefore respectfully requested.

In view of the above, the claims comply with 35 U.S.C. §112 and define patentable subject matter warranting their allowance. Favorable consideration and early allowance are earnestly urged.

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Respectfully submitted,

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